IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 11018 of 2005

Between:

Jyothi College of Education, Siricilla Revenue Division,
Thangallappali Village, Siricilla, Karimnagar District
Sponsored by St.Augustine Educational Society, Flat No.119, D4,

Block, Shanti Sikhara Apartments, Somajiguda Hyderabad, Rep.by

it's President. M.D.Samuel.

... PETITIONER

AND

1 The Commissioner and Director of School Education, Andhra Pradesh,

Hyderabad.
2 The Convenor, Ed-CET-2004-05, Office of the Commissioner, School

Education, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order, direction or a writ more particularly one in the nature of a writ of Mandamus declaring that the action of the Convenor-Ed-CEt-2004 in return the application of the petitioner with endorsement dt.4.5.2005 is arbitrary, illegal, without jurisdiction and violative of the orders of the Division Bench of the Hon'ble High Court of Andhra Pradesh Dt.27.4.2005 apart from being violative of Articles

14and 30of the Constitution of India.

Counsel for the Petitioner: MR.KOKA RAGHAVA RAO

Counsel for the Respondents: G.P. FOR SCHOOL EDUCATION

The Court, at the admission stage, made the following:

ORDER:

Petitioner, a College of Education, sponsored by St. Augustine Educational Society, on 03-05-2005, had submitted to the second respondent, the Convener of Education Common Entrance Test, a merit list of the students desirous of joining the petitioner-college of education for the purpose of intake into the 85 % of the available seats meant for admission of students belonging to the relevant minority dispensation. On this application, the second respondent recorded an endorsement that the criterion for determining the minority seats as per Court orders is the S.S.C. Certificate and that the list of the students may be resubmitted, duly fulfilling the said criterion.

2. Heard Mr. Koka Raghava Rao, learned counsel for the petitioner, and learned Government Pleader for School Education, for respondents.

3. In G.O. Ms. No.57, School Education (TRG-A1) Department dated 21-03-2005; revised guidelines for admission of students to minority colleges of education for the academic year 2004-05 were issued by the State Government. *Inter alia*, these guidelines stipulated the indicia for determining the minority status of students for admission to the 85 % seats in minority colleges of education. The guidelines ordain that the Secondary School Certificate or Transfer Certificate from the school from which the student had studied shall be the basis and in the absence of a Transfer Certificate, the candidate should obtain a certificate from the Head of the Institution in which he/she studied, in the *pro forma* prescribed in the G.O. These revised guidelines were issued in

March, 2005 on a perception by the State that there had arisen a practice of misuse of the provisions viz. conversions and obtaining of Baptism Certificates on the eve of admissions were taking place.

4. The petitioner herein had also challenged G.O. Ms. No.57.

A Division Bench of this Court, by the order dated 27-04-2005, in a batch of appeals and writ petitions, passed interim orders. Insofar as certificates for determining minority characteristic of the students is concerned, the Division Bench in the interim order, directed that the religion of a candidate should be determined on the basis of his/her S.S.C. Certificate or any equivalent certificate. The petitioner has filed the present writ petition challenging the endorsement dated

04-05-2005, on the petitioner's letter dated 03-05-2005 submitting the merit list of candidates, on the ground *inter alia*, that 'equivalent certificate' is a broad-term expression which could legitimately include Baptism Certificate.

5. The above contention is stated to be rejected. The expression 'any equivalent certificate' employed by the Division Bench of this Court in the interim order aforesaid could only mean any other equivalent academic certificate certifying the academic qualification of the candidate and include equivalent certificates of the same genus.

A Baptism Certificate neither belongs to the species nor to the genus of an academic (S.S.C.) Certificate. Avoidance of Baptism Certificates was the purpose of G.O. Ms. No.57 and in the circumstances the

open-textured expression 'any equivalent certificate' employed by the Division Bench in the interim order could not be understood to include a Baptism Certificate. The contention is creative, but misconceived, as is the writ petition and hence it is dismissed. No costs.

Petitioner is at liberty to resubmit the merit list of the candidates, duly complying with the endorsement. If the list so submitted complies with all other requirements of the academic schedule, petitioner's application shall be considered by the respondents, in particular, the second respondent, in accordance with law.

JUSTICE G. RAGHURAM

May 5, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to. –

1 The Commissioner and Director of School Education, Andhra Pradesh,

Hyderabad.
2 The Convenor, Ed-CET-2004-05, Office of the Commissioner, School

Education, Hyderabad.

Two C.C. s to the G.P. for School Education, High Court of A.P., Hyderabad

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Two C.D. Copies.